

said Article 1179, and declaring an emergency."

And find the same correctly engrossed.  
BRELSFORD, Chairman.

Committee Room.

Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 129, A bill to be entitled "An Act to provide that owners of public free school land, purchased from the State after January 1, 1907, and prior to January 1, 1913, on consideration of settlement and residence, which land may hereafter be forfeited for the non-payment of interest; provided said forfeiture was caused by reason of interest accruing prior to January 1, 1913, shall have the right to purchase the same after forfeiture, and the sale of such land as may not be reinstated or repurchased; and leaving any lien and valid contractual right existing in and to the land unimpaired, if land is repurchased, and declaring an emergency,"

And find the same correctly engrossed.  
BRELSFORD, Chairman.

#### PETITIONS AND MEMORIALS.

By Lieutenant Governor Will H. Mayes:

Letter signed by P. V. Alpiser, San Antonio, Texas, attesting to alleged evil effects of the Robertson Insurance Law and arguing for its repeal.

By Senators Johnson, Cowell and Vaughan:

Petitions numerously signed by citizens of their respective districts protesting against the passage of a statute assessing high license against rural vendors of medicines, stock foods, etc.

By Senator Terrell:

Telegram numerously signed by citizens of Marlin and Falls county, Texas, respectively, asking for an opportunity to bid for location of Texas Central Normal at Marlin.

By Senator Hudspeth:

Petitions numerously signed asking for restoration of the main building of the Alamo and asking that the premises be consigned to the keeping of the original society of the Daughters of the Republic.

By Senator Warren:

Petition numerously signed by citizens

of his district indorsing the stream pollution bill introduced by Senator McNealus and Representative Collins. Petitioners set forth that they reside in a section tributary to the Trinity river and attest to the fact that the pollution of this river is responsible for much of the sickness there. They say further that the waters of the river are rendered unfit for any possible use and that the filth is almost unbearable.

#### TWENTIETH DAY.

Senate Chamber,

Austin, Texas,

Saturday, February 8, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum present, the following Senators answering to their names:

Astin.	Murray.
Bailey.	Paulus.
Brelsford.	Real.
Carter.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Vaughan.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Weinert.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Kauffman.	Willacy.
Lattimore.	

Absent.

McGregor.	Morrow.
McNealus.	

Absent—Excused.

Nugent.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Carter, the same was dispensed with.

(See Appendix for petitions and memorials and standing committee reports.)

#### COMMUNICATION FROM COMPTROLLER.

The Chair here laid before the Senate and had read a communication from the Comptroller, and that part of it directed printed will be found in the Appendix of this Journal.

## MESSAGE FROM THE GOVERNOR.

Governor's Office,  
Austin, Texas, February 8, 1913.  
To the Texas Legislature:

At the request of Hon. Joseph M. Brown, Governor of the State of Georgia, I am transmitting to you a printed copy of the report of Committee on Resolutions, adopted by the General Assembly of Georgia, relative to the proposed amendment to the Constitution of the United States providing for the election of United States Senators by the people.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

The above was read and the report referred to was filed with the Secretary of the Senate.

Morning call concluded.

## BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Westbrook, by request:

Senate bill No. 279, A bill to be entitled "An Act to amend Chapter 2, of the Fourth Called Session of the Thirty-first Legislature, requiring persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled shall be delivered to any railroad company or other common carrier, unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of ties, bands, buckles or splices used in tying or baling such bale of cotton; and to provide penalty therefor; and providing that persons, firms or corporations who shall receive for loading, storing or transportation any cotton, the condition of which shall be in violation of the provisions of this act, shall be liable in damages to the employees of such persons, firms or associations of persons or corporations for injuries sustained as the result of such improper and unlawful compressing of cotton; and providing for the giving of receipts showing condition of cotton when received and fixing responsibilities, and providing for place in which suit may be brought for damages; and prescribing the duties of Commissioner of Labor, and providing for annual account-

ing by said Commissioner of Labor; and declaring an emergency."

Read first time and referred to Committee on Commerce and Manufactures.

By Senator Kauffman:

Senate Joint Resolution No. 19, To amend Article 111 of the Constitution of the State of Texas, by adding thereto Section 51a, providing that aid may be granted to the indigent survivors and their widows of the seventeen heroes who defended and rescued the State Treasury from a band of robbers.

Read first time and referred to Committee on Constitutional Amendments.

## SENATE BILL NO. 249 REREFERRED.

Senator Weinert moved that Senate bill No. 249 be withdrawn from Committee on Mining and Irrigation and be referred to Committee on Public Lands and Land Office.

## SENATE BILL NO. 159.

On motion of Senator Conner, and by unanimous consent, the regular order of business, Senate bill No. 39, was suspended, and the Senate took up, out of its order, Senate bill No. 159.

The Chair laid before the Senate, on second reading,

Senate bill No. 159, A bill to be entitled "An Act to amend Section 116, of Chapter 96, Acts of Regular Session of the Thirty-second Legislature, being an Act entitled 'An Act to amend Sections 114, 115, 116, 117, 118, 119, 120 and 121, of the Twenty-ninth Legislature, and Sections 122, 123 and 124 of Chapter 124, of the Acts of the Twenty-ninth Legislature, as amended by Chapter 7, of the Second Called Session of the Thirty-first Legislature, and repealing Sections 105, 106, 107, 108, 109, 110, 125 and 126 of Chapter 124, of the Acts of the Twenty-ninth Legislature, and Chapters 68 and 149 of the Acts of the Thirtieth Legislature, relating to teachers' certificates, and declaring an emergency,' so as to permit the issuance of State first-grade certificates to persons who have done certain required work in the standard junior colleges of Texas."

Senator Conner offered the following amendment, which was read and adopted:

Amend the bill by adding thereto Section 2 to read as follows: "Whereas, There is not any law under which a person who has satisfactorily completed four full courses in the College of Arts and

one full course in the Department of Education in any junior college in Texas ranked as first-class, may obtain first grade State certificate. The same creating an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days shall be suspended and this act be placed upon its third reading and final passage and shall take effect from and after its passage, and it is so enacted."

Senator Taylor offered the following amendment, which was read and adopted:

Amend the bill, page 2, line 2, by striking out the word "Texas" and insert the word "Texas."

The bill was read second time and ordered engrossed.

On motion of Senator Conner, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

#### Yeas—26.

Astin.	Murray.
Bailey.	Paulus.
Brelsford.	Real.
Carter.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Vaughan.
Darwin.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
Lattimore.	Willacy.

#### Absent.

Gibson.	McNealus.
McGregor.	Morrow.

#### Absent—Excused.

Nugent.

The bill was read third time and passed by the following vote:

#### Yeas—24.

Astin.	Paulus.
Bailey.	Real.
Carter.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Vaughan.
Darwin.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Lattimore.	Wiley.
Murray.	Willacy.

#### Absent.

Brelsford.	McGregor.
Gibson.	McNealus.
Kauffman.	Morrow.

#### Absent—Excused.

Nugent.

Senator Conner moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed

### SENATE BILL NO. 273.

On motion of Senator Greer, the regular order of business, Senate bill No. 39, was suspended and the Senate took up, out of its order, Senate bill No. 273.

The Chair laid before the Senate, on second reading,

Senate bill No. 273, A bill to be entitled "An Act making appropriation to pay the mileage and per diem of the Presidential electors of Texas for the year 1913, and declaring an emergency."

The bill was read second time and ordered engrossed.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

#### Yeas—23.

Astin.	Real.
Bailey.	Taylor.
Carter.	Terrell.
Collins.	Townsend.
Conner.	Vaughan.
Cowell.	Warren.
Darwin.	Watson.
Greer.	Weinert.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Lattimore.	Willacy.
Paulus.	

#### Absent.

Brelsford.	McNealus.
Gibson.	Morrow.
Kauffman.	Murray.
McGregor.	

#### Absent—Excused.

Nugent.

The bill was read third time and passed by the following vote:

#### Yeas—26.

Astin.	Brelsford.
Bailey.	Carter.

Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Lattimore.	Westbrook.
Murray.	Wiley.
Paulus.	Willacy.

Absent.

Kauffman.	McNealus.
McGregor.	Morrow.

Absent—Excused.

Nugent.

Senator Greer moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 112, A bill to be entitled "An Act to amend Section 8, Chapter 120, of the General Laws of the Thirty-second Legislature of Texas, passed at the regular session thereof, being 'An Act to amend Article 21, Title 4 of the Revised Civil Statutes of Texas, and to amend an act passed by the Thirtieth Legislature, creating the Sixth Supreme Judicial District of Texas, and to create the Seventh and Eighth Supreme Judicial Districts of Texas, and to provide for the organization of a Court of Civil Appeals within the Seventh Supreme Judicial District of Texas, and to provide for the organization of a Court of Civil Appeals within the Eighth Supreme Judicial District of Texas, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency,' for the purpose of placing Culberson county within the Eighth Supreme Judicial District of Texas and making said Culberson county a part of said district, and to repeal all laws in conflict therewith, and declaring an emergency."

Senate bill No. 5, A bill to be entitled "An Act to provide for the suspension

of sentence in certain cases of conviction of felony for first offenses, upon the recommendation of the jury, and for submission of the issue to the jury by the court, and to provide the duration of the suspension of sentence and for pronouncing sentence after suspension thereof in case of final conviction of the defendant of any other felony, cumulating punishment, in such cases, and for granting a new trial after suspension, and to repeal all laws and parts of laws in conflict herewith, and providing for an emergency."

House bill No. 62, A bill to be entitled "An Act to amend Chapter 11, Title 119 of the Revised Statutes of 1911, authorizing the levying of a road tax in counties, political subdivisions, or defined districts now or hereafter to be described or defined."

House bill No. 210, A bill to be entitled "An Act to prohibit the sale of intoxicating liquors in any city or town which has fixed limits in which the same shall be sold, outside of such limits, and providing a penalty therefor."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILLS READ FIRST TIME AND REFERRED.

The Chair, Lieutenant Governor Mayes, had referred, after their captions had been read, the following House bills:

House bill No. 62, referred to Committee on Roads, Bridges and Ferries.

House bill No. 210, referred to Judiciary Committee No. 2.

#### EXCUSED.

On account of important business:

Senator McGregor for today, on motion of Senator Carter.

#### SENATE BILL NO. 60 RECOMMITTED.

Senator Gibson moved that Senate bill No. 60 be recommitted to Committee on Roads, Bridges and Ferries.

The motion prevailed.

#### SENATE BILL NO. 99.

On motion of Senator Townsend, and by unanimous consent, the regular order

of business, Senate bill No. 39, was suspended, and the Senate took up, out of its order, Senate bill No. 99.

The Chair laid before the Senate, on second reading,

Senate bill No. 99, A bill to be entitled "An Act to punish any person who shall without good cause, abandon his wife or wilfully neglect or refuse to maintain or provide for her, and to punish every person who shall abandon his or her minor child or children under the age of sixteen years, or who shall wilfully neglect or refuse to maintain or provide for such child or children, prescribing penalties therefor, and declaring an emergency."

The committee report, with (committee) amendments, was adopted.

Senator Hudspeth offered the following amendment:

Amend the bill by adding the following after the word "dollars" in line 23, page —, "and by imprisonment in the county jail for not less than six months, nor more than twelve months," and striking out all after the words "dollars" in line 23, down to and including the word "year," in line 25.

HUDSPETH,  
BAILEY.

Senator Lattimore offered the following substitute for the amendment:

Amend bill, page 1, line 21, by striking out the word "misdemeanor," and by inserting in lieu thereof the word "felony," and by striking out all of Section 1 after the words "punished by," in line 22, and inserting in lieu thereof the following: "Confinement in the penitentiary for some period of time, not less than one year, nor more than five years."

Senator Hudspeth moved to table the substitute, which motion to table was adopted by the following vote:

Yeas—15.

Astin.	Murray.
Bailey.	Paulus.
Collins.	Real.
Conner.	Watson.
Darwin.	Weinert.
Greer.	Westbrook.
Hudspeth.	Willacy.
Johnson.	

Nays—10.

Brelsford.	Lattimore.
Carter.	Townsend.
Cowell.	Vaughan.
Gibson.	Warren.
Kauffman.	Wiley.

Present—Not Voting.

Terrell.

Absent.

McNealus.

Taylor.

Morrow.

Absent—Excused.

McGregor.

Nugent.

The amendment was then adopted.

Senator Watson offered the following amendment, which was read and adopted:

Amend the committee report, as shown on printed bill, page 2, by striking out all of lines 20, 21, 22, 23, 24 and 25.

The bill was read second time, and ordered engrossed.

On motion of Senator Townsend, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Astin.	Lattimore.
Bailey.	Murray.
Brelsford.	Paulus.
Carter.	Real.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Vaughan.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.
Kauffman.	

Absent.

McNealus.

Taylor.

Morrow.

Weinert.

Absent—Excused.

McGregor.

Nugent.

The bill was read third time and passed by the following vote:

Yeas—25.

Astin.	Johnson.
Bailey.	Kauffman.
Brelsford.	Lattimore.
Carter.	Murray.
Collins.	Paulus.
Conner.	Real.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.

Westbrook. Willacy.  
Wiley.

Absent.

McNealus. Taylor.  
Morrow. Weinert.

Absent—Excused.

McGregor. Nugent.

Senator Townsend moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 71 MADE SPECIAL ORDER.

Senator Westbrook moved that Senate bill No. 71 be made a special order for Monday, February 17, after the conclusion of the morning call.

The motion prevailed.

#### SENATE BILL NO. 120 MADE SPECIAL ORDER.

Senator Murray moved that Senate bill No. 120 be made a special order for Monday, February 10, after the conclusion of the morning call.

The motion prevailed.

#### SENATE BILL NO. 11 MADE SPECIAL ORDER.

Senator Collins moved that Senate bill No. 11 be made a special order for Tuesday, February 11, after the conclusion of the morning call.

The motion prevailed.

#### SENATE BILL NO. 74.

On motion of Senator Johnson, by unanimous consent, the regular order of business, Senate bill No. 39, was suspended, and the Senate took up, out of its order, Senate bill No. 74.

The Chair laid before the Senate, on second reading,

Senate bill No. 74, A bill to be entitled "An Act to amend Section 1, Chapter 103, Acts of the Thirty-second Legislature, entitled 'An Act to validate all sales made out of leases of unsurveyed school lands that may have been erroneous by the reason of a lack of definite-

ness of lease holds and unmarked survey lines, and all sales made on the lines of four-section counties, and eight-section counties, and such sales of land as may have been made in a four-section county, and other sales in an eight-section county, as may have been erroneous on account of a lack of clearness in the statutes regulating the rights of purchasers in four-section counties and eight-section counties, are hereby validated and declared to be good sales so far as the probable errors herein mentioned may effect (affect) such sales; sales of school lands to actual settlers in such cases as the applicant did settle on the land within the time required by law, but did not file in the General Land Office the affidavit of settlement within the time required by law, but did settle and in person or by legally substituted assignee continue to reside upon the land in good faith, and declaring an emergency."

The bill was read second time and ordered engrossed.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Astin.	Lattimore.
Bailey.	Murray.
Carter.	Paulus.
Collins.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Kauffman.	Willacy.

Absent.

Brelsford.	Real.
Conner.	Taylor.
McNealus.	Weinert.
Morrow.	

Absent—Excused.

McGregor.	Nugent.
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The bill was read third time and passed by the following vote:

Yeas—24.

Astin.	Cowell.
Bailey.	Gibson.
Carter.	Greer.
Collins.	Hudspeth.
Conner.	Johnson.

Kaufman.	Vaughan.
Lattimore.	Warren.
Murray.	Watson.
Paulus.	Weinert.
Real.	Westbrook.
Terrell.	Wiley.
Townsend.	Willacy.

Absent.

Brelsford.	Morrow.
Darwin.	Taylor.
McNealus.	

Absent—Excused.

McGregor.	Nugent.
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Senator Johnson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 271.

On motion of Senator Warren, by unanimous consent, the regular order of business, Senate bill No. 39, was suspended, and the Senate took up, out of its order, Senate bill No. 271.

The Chair laid before the Senate, on second reading,

Senate bill No. 271. A bill to be entitled "An Act to authorize and empower Kaufman county, or any political subdivision of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, gravelled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work; and providing further, making this law cumulative of the general laws of Texas, and also cumulative of the special road laws of Kaufman county already in existence, and in case of conflict, this act to govern, and repealing all laws in conflict with this act, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and ordered engrossed.

On motion of Senator Warren, the constitutional rule requiring bills to be

read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Astin.	Lattimore.
Bailey.	Murray.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.

Absent.

Brelsford.	Taylor.
McNealus.	Willacy.
Morrow.	

Absent—Excused.

McGregor.	Nugent.
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The bill was read third time and passed by the following vote:

Yeas—24.

Astin.	Lattimore.
Bailey.	Murray.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.

Absent.

Brelsford.	Taylor.
McNealus.	Willacy.
Morrow.	

Absent—Excused.

McGregor.	Nugent.
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Senator Warren moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 310.

On motion of Senator Carter, by unanimous consent, the regular order of business, Senate bill No. 39, was suspended

and the Senate took up out of its order, House bill No. 310.

The Chair laid before the Senate, on second reading,

House bill No. 310, A bill to be entitled "An Act amending the special road law for Gregg county, and declaring an emergency."

On motion of Senator Carter, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

On motion of Senator Carter, the committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Astin.	Lattimore.
Bailey.	Murray.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.

Absent.

Brelsford.	Taylor.
McNealus.	Willacy.
Morrow.	

Absent—Excused.

McGregor.	Nugent.
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The bill was read third time and passed by the following vote:

Yeas—24.

Astin.	Lattimore.
Bailey.	Murray.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.

Absent.

Brelsford.	Taylor.
McNealus.	Willacy.
Morrow.	

Absent—Excused.

McGregor.	Nugent.
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Senator Carter moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 378.

On motion of Senator Astin, by unanimous consent, the regular order of business, Senate bill No. 33, was suspended, and the Senate took up, out of its order, House bill No. 378.

The Chair laid before the Senate, on second reading,

House bill No. 378, A bill to be entitled "An Act to increase the limits of the Bremond Independent School District, and declaring an emergency."

On motion of Senator Astin, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

On motion of Senator Astin, the committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Astin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Astin.	Lattimore.
Bailey.	Murray.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.

Absent.

Brelsford.	Taylor.
McNealus.	Willacy.
Morrow.	



## Absent—Excused.

McGregor.

Nugent.

The bill was read third time and passed by the following vote:

## Yeas—24.

Astin.	Lattimore.
Bailey.	Murray.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.

## Absent.

Brelsford.	Taylor.
McNealus.	Willacy.
Morrow.	

## Absent—Excused.

McGregor.

Nugent.

Senator Astin moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE JOINT RESOLUTION NO. 4.

On motion of Senator Terrell, by unanimous consent, the regular order of business, Senate bill No. 39, was suspended, and the Senate took up, out of its order, Senate Joint Resolution No. 4.

The Chair laid before the Senate, on second reading,

Senate Joint Resolution No. 4, A joint resolution proposing an amendment to Section 52, of Article 3, of the Constitution of the State.

Senator Terrell offered the following amendment, which was read and adopted:

Strike out lines 8, 9, 10 and 11, on page 1, and insert the following:

"Section 1. Be it resolved by the Legislature of the State of Texas, that Section 52 of Article 3, of the Constitution of the State of Texas, be amended so as to hereafter read as follows:"

The resolution was passed to a third reading.

## HOUSE BILL NO. 287.

On motion of Senator Hudspeth, and by unanimous consent, the regular order of business, Senate bill No. 39, was suspended, and the Senate took up, out of its order, House bill No. 287.

The Chair laid before the Senate, on second reading,

House bill No. 287, A bill to be entitled "An Act incorporating and creating the Rankin Independent School District of Upton county, Texas, for free school purposes only; defining its boundaries, and providing for the election of a board of trustees, for the raising of revenues by taxation, for the issuance of bonds for building purposes, and for the maintenance of public free schools in such district, and vesting said district and the board of trustees thereof, with all the rights, powers, privileges and duties conferred and imposed by general laws upon independent school districts and the board of trustees thereof formed by the incorporation of a town or village for free school purposes only under the general law, and declaring an emergency."

On motion of Senator Hudspeth, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

On motion of Senator Hudspeth, the committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Astin.	Lattimore.
Bailey.	Murray.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.

## Absent.

Brelsford.	Taylor.
McNealus.	Willacy.
Morrow.	

## Absent—Excused.

McGregor.                      Nugent.

The bill was read third time and passed by the following vote:

## Yeas—24.

Astin.	Lattimore.
Bailey.	Murray.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.

## Absent.

Brelsford.	Taylor.
McNealus.	Willacy.
Morrow.	

## Absent—Excused.

McGregor.                      Nugent.

Senator Hudspeth moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 88.

On motion of Senator Weinert, and by unanimous consent, the regular order of business, Senate bill No. 39, was suspended, and the Senate took up, out of its order, Senate bill No. 88.

The Chair laid before the Senate, on third reading,

Senate bill No. 88, A bill to be entitled "An Act to amend Section 9, Section 9g, Section 14 and Section 15 of Chapter 17, General Laws, passed by the First Called Session of the Thirty-first Legislature, regulating the sale of intoxicating liquor, and fixing the hours of opening and closing any house or place of business where intoxicating liquor is licensed to be sold."

The bill was read third time and passed.

Senator Weinert moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## ADJOURNMENT.

Senator Watson, at 1 o'clock p. m., moved that the Senate adjourn until 10 o'clock Monday morning.

Senator Vaughan moved, as a substitute, that the Senate recess until 3 o'clock today.

Action recurred on the longest time first and the motion to adjourn until 10 o'clock Monday was adopted by the following vote:

## Yeas—14.

Astin.	Hudspeth.
Bailey.	Kauffman.
Collins.	Murray.
Conner.	Paulus.
Darwin.	Real.
Gibson.	Watson.
Greer.	Wiley.

## Nays—10.

Carter.	Townsend.
Cowell.	Vaughan.
Johnson.	Warren.
Lattimore.	Weinert.
Terrell.	Westbrook.

## Absent.

Brelsford.	Taylor.
McNealus.	Willacy.
Morrow.	

## Absent—Excused.

McGregor.                      Nugent.

## APPENDIX.

## COMMUNICATION FROM THE COMPTROLLER.

The following is printed here by order of the Chair:

Comptroller's Department.

Austin, Texas, February 7, 1913.

To Hon. W. H. Mayes, President, and Members of the Senate, Thirty-third Legislature, Austin, Texas.

Gentlemen: In my annual recommendations to the Governor, dated November 21, 1912, copy of which can be found in the Comptroller's Annual Report for the year 1912, under the head of "Expenses incurred in the administration of the Judiciary System," I referred to two decisions of the Supreme Court of Texas which in effect completely destroy

the auditing powers of the Comptroller's Department.

The first of these cases was that of *Lightfoot vs. Lane*, reported in *Southwestern Reporter*, volume 140, page 89, in which decision the Supreme Court held that the Comptroller had no authority to audit the claim for salary presented against the State by a constitutional or statutory officer.

In the second case, that of *J. F. Rochelle vs. W. P. Lane*, Comptroller, as found in the *Southwestern Reporter*, volume 148, page 558, it was held by the Supreme Court that the approval by the district judge, of any claim against the State for fees due any county or district officer, was a judicial action and as such the Comptroller of Public Accounts, an executive officer of the government, had no authority whatever to review, except to see that the district clerk had properly performed his duty in recording said claim.

In my recommendations to the Governor, I pointed out that under the decision in the *Lightfoot vs. Lane* case the Comptroller had issued warrants in the sum of \$10,911.74, for which there was no appropriation made by the Thirty-second Legislature. I also pointed out that under the latter decision the Comptroller had paid out, up to that time, \$3,497.55, which would have been rejected by the Comptroller except for this decision of the court.

The purpose of this open communication to the membership of the Senate and House of Representatives is to emphasize the conditions that now prevail in the auditing department of the State government, and to point out to the membership of the Thirty-third Legislature the necessity for some legislation to relieve the situation that now exists in this department. Under these two decisions of the Supreme Court of Texas, the hands of the Comptroller are completely tied, and if relief comes at all, it can only come through the legislative branch of the government.

I have no hesitancy in saying to the Senate and House of Representatives, and the records of my office will vindicate or bear out the truthfulness of this statement, that under these two decisions the State is being robbed almost daily. As an evidence of the correctness of this statement, I am attaching hereto six certified copies of accounts recently presented to the Comptroller's Department and paid, each of which is approved by the district judge, and in each of which will be found items of expense which the Comptroller was com-

pelled to pay under these decisions, for which there is not a syllable of law authorizing such payment. These exactions of money from the State Treasury will continue unless this Legislature provides some relief, and if this important matter does not receive the attention of this Legislature, many thousands of dollars will have been illegally and unjustly withdrawn from the State Treasury before another biennial session thereof.

These decisions of the Supreme Court are so sweeping and revolutionary in their effect that in order to determine the duties of the Comptroller in the premises, I requested an opinion from the Attorney General's Department; on September 11, 1912, that department gave me a written opinion, from which opinion I quote the following:

"You are not authorized or required to pass upon the merits of any claim or any item contained in the claim thus presented to you, and are not authorized to refuse to issue a warrant for any claim or any item thereof. The Supreme Court holds that the action of the district judge, in approving the accounts, is a judgment of the court and is conclusive and binding upon you as Comptroller of Public Accounts. It makes no difference whether the claim or any item thereof are authorized by law, you must issue a warrant for the full amount. Although the claim might show on its face that it is one not authorized by law, or contains items showing charges clearly in excess of that fixed by statute, you have no discretion, but must pay it in full. I do not understand that you are even allowed to correct errors in multiplication or addition, but must pay the claim for the full amount approved by the district judge."

In this opinion the Attorney General also holds that there is no statute of limitation running against any claim or part of a claim presented to and rejected by the Comptroller in his official capacity as auditor. I have no means of determining, without an exhaustive research of the records of the department, the amount of these old claims that have been rejected by former Comptrollers since the establishment of the State government. Judging the past by my own experience, I would estimate these rejected claims at not less than half a million dollars.

It can be very readily seen from this statement that if the present condition is permitted to continue, the resurrection of these old claims will become a very profitable field for some enterprising citizen. There has already been resur-

rected and presented to the department for payment a number of these rejected claims, but so far I have declined to issue warrants in payment of the same, pending a submission of the whole matter to the Legislature.

I recommend to the Legislature that the law be amended so as to define the duties of the district judge in the approval of claims against the State, by making such approval a ministerial action, and not a judicial decision, and that these claims be subject to review and audit by the Comptroller, whose action shall be final.

For the convenience of the Legislature I have numbered the certified copies above referred to, Exhibits 1 to 6, inclusive.

Exhibit "1" is a claim amounting to \$44.15, no item of which is authorized by law.

Exhibit "2" is a claim approved for \$23.45, of which amount \$6.20 is authorized by law, the balance of \$17.25 being illegal.

Exhibit "3" is a claim amounting to \$20, of which amount \$6.50 is authorized by law, the balance of \$13.50 being illegal. An examination of this exhibit will reveal the fact that the judge in his capacity of auditor approved the claim for the amount for which same had been made out and totaled, and then added the total to the amount of the claim.

Exhibit "4" is a claim for \$18.24 in payment of fees of a witness from Oklahoma, and under the law no part thereof would be payable unless service was had after the witness had crossed the Texas line—which we are unable to determine from the face of the claim; and in the event service was had at the State line, the witness would have been entitled to receive but \$1.00 per day, whereas in the claim the judge allowed the witness \$1.50 per day for eight days, by adding to the printed blanks furnished by this department the sum of fifty cents for each day.

Exhibit "5" is a claim for \$215.65 for the arrest and removal of a prisoner from Tombstone, Arizona, to Gray county, Texas. In this account will be found items for telegraph messages, telephone messages, meals for prisoner, and railroad fare for prisoner, to the amount of \$33.25, which are unquestionably illegal. Another item contained in the amount is \$181.40 for mileage at ten cents per mile. If this prisoner was brought back to Texas upon a requisition of the Governor, which we are unable to determine from the face of the claim, then this claimant would not, under the law, be

entitled to this \$181.40; but in the event the prisoner was not brought back on a requisition of the Governor, the officer would be entitled to receive pay, at ten cents per mile, only for the number of miles traveled from Gray county to the State line and return, which ten cents per mile would cover all expenses. The number of miles from Gray county to the State line and return would be three hundred and thirty miles.

Exhibit "6" is a claim for \$32.70 for two days' service as district attorney pro tem at \$15.00 per day as provided for the payment of per diem salary for district attorneys, and \$2.70, the proportionate part of the \$500 salary allowed district attorneys under the Constitution. I am not familiar with any provision of law authorizing the appointment of a district attorney pro tem, and the apportionment and payment of any part of the district attorney's salary to such district attorney pro tem.

As I have already indicated in this connection, I can not, as an executive officer and under existing conditions, remedy these evils which I have pointed out. This whole matter is respectfully submitted to your honorable bodies for such action as you think proper in the premises. I feel that in directing your attention to these evils I have performed my whole duty, and if this deplorable condition is permitted to continue, the responsibility will rest with the Legislative branch of the government, which alone has it within its power to correct these evils.

With highest personal regards to the membership of the Thirty-third Legislature, I am,

Yours very truly,

W. P. LANE,  
Comptroller.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 18, A joint resolution proposing and submitting to a vote of the people of Texas an amendment to Sections 49 and 52, of Article 3, of the Constitution, authorizing the issuance of bonds and the levying of a tax to pay the interest and sinking fund on same, for public improvements,

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Vaughan, Chairman; Johnson, Terrell, Gibson, Warren, Watson and Darwin.

Committee Room,  
Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Asylums, to whom was referred

Senate bill No. 165, A bill to be entitled "An Act to amend Articles 138, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161 and 165, of Chapter 1, Title 10, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, 1911, relating to the admission of patients into the insane asylums of Texas and judicial proceedings in lunacy cases, and providing for the trial of persons alleged to be insane by a Medical Commission to be appointed by the county judge, unless a jury be demanded as herein provided for; providing further for the filing of a sworn report with recommendations by the Medical Commission with the county clerk, answering specific questions relative to the patient, and providing if tried by jury for findings by the jury on certain special issues; relating to the verdict of the jury; to the judgment of the court on the findings by the Medical Commissioners, or on a verdict of the jury; providing for reimbursement to the State for lunatics not indigent; providing for less publicity in trials of lunatics, at the discretion of the county judge; providing for attorneys to represent the State and under certain circumstances the patient; providing for warrants to convey the lunatic to the asylum; providing that no female patient shall be conveyed to the asylum without the attendance of a sane female of reputable character and mature age, unless she is accompanied by a near male relative, such attendance to be certified to by the asylum superintendent by written acknowledgement to the county judge; further providing for one rehearing in lunacy inquests; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

REAL, Chairman.

Committee Room,

Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Asylums, to whom was referred

Senate bill No. 187, A bill to be entitled "An Act to provide for the establishment and maintenance of a State Training School and Home for the feeble-minded of Texas, to locate same, and provide for its control and management, and for a Board of Advisors to determine conditions of admission to said training school and home, and to make appropriations for its establishment and maintenance,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

REAL, Chairman.

#### FLOOR REPORTS.

Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs to whom was referred

House bill No. 378, A bill to be entitled "An Act to increase the limits of the Bremond Independent School District, and creating an emergency,"

Have had the same under consideration, and we hereby report same back to the Senate with the recommendation that it do pass, and be not printed.

Paulus, Chairman; Real, Astin, Darwin, Wiley, Weinert, Cowell, Gibson and Johnson.

Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 284, A bill to be entitled "An Act to create the Golden Independent School District, known as Common School District No. 24, in Wood county, Texas; to provide for the election of trustees; for the raising of revenue, issuing bonds, building and maintaining school houses, maintaining public free schools, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

Paulus, Chairman; Weinert, Wiley, Real, Astin, Gibson, Conner and Johnson.

Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 287, A bill to be entitled "An Act incorporating and creating the Rankin Independent School District of Upton county, Texas, for free school purposes only; defining its boundaries, and providing for the election of a board of trustees, for the raising of revenue by taxation, for the issuance of bonds for building purposes and for the maintenance of public free schools in such district, and vesting said district and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general laws upon independent school districts and the board of trustees thereof, formed by the incorporation of a town or village for free school purposes only under the general law, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Paulus, Chairman; Weinert, Johnson, Astin, Real, Wiley, Darwin and Conner.

Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 57, A bill to be entitled "An Act creating an independent school district, to be known as Bishop Independent School District, including within its limits the municipal corporation of the town of Bishop, and to provide for the creation of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes and conferring upon the board of trustees plenary powers and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of said board of trustees, and repealing all

laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Paulus, Chairamn; Weinert, Darwin, Wiley, Real, Astin, Gibson, Cowell and Johnson.

Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 367, A bill to be entitled "An Act creating an independent school district, to be known as the White Rock Independent School District, and prescribing the metes and bounds of same, and providing for the creation of a board of trustees for same, and authorizing said board of trustees to levy, assess and collect special taxes and conferring upon the board of trustees, plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within said district, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authority of said board of trustees, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Paulus, Chairman; Weinert, Darwin, Wiley, Real, Astin, Gibson, Cowell and Johnson.

Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 83, A bill to be entitled "An Act creating an independent school district, to be known as Driscoll Independent School District, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support

of said schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of said board of trustees, and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Paulus, Chairman; Weinert, Darwin, Wiley, Real, Astin, Gibson, Cowell and Johnson.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 282, A bill to be entitled "An Act to provide a more efficient road law for Harris county,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

TERRELL, Chairman.

Committee Room,

Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 404, A bill to be entitled "An Act to amend Section 9, of Chapter 29, of the Special Laws of the Regular Session of the Twenty-eighth Legislature, being the special road law of Nacogdoches county,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

TERRELL, Chairman.

Committee Room,

Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 288, A bill to be entitled "An Act to create a more efficient road law for Cass county, making the county commissioners ex-officio road supervisors, defining their duties, fixing their salaries, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, but be not printed.

TERRELL, Chairman.

Committee Room,

Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 258, A bill to be entitled "An Act to amend Section 11 of an act of the Twenty-eighth Legislature, entitled 'An Act to create a more efficient road system for Palo Pinto and Bosque counties, Special Laws 1903, page 135, so as to provide that Commissioners of Palo Pinto County, for their services as road commissioners, shall receive the sum of three dollars per day, and declaring an emergency,'"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, but be not printed.

TERRELL, Chairman.

Committee Room,

Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 82, A bill to be entitled "An Act to amend Sections 2, 14 and 16 of 'An Act creating a special road law for Polk county, to provide additional pay for teams and drivers, to provide additional pay for county commissioners, and to provide additional compensation for County Superintendents of Public Roads, and declaring an emergency,'"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, but be not printed.

TERRELL, Chairman.

Committee Room,  
Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 310, A bill to be entitled "An Act to amend Sections 3, 4 and 12 and to repeal Sections 14, 15, 16, 17 and 18 of a special act passed by the Thirty-second Legislature, being Chapter 21, Special Laws, 1911, entitled, 'An Act to create a more efficient road system for Gregg county,' and ratifying and confirming and validating an issue of \$100,000 of Gregg county special road bonds, heretofore voted by said county, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, but be not printed.

TERRELL, Chairman.

Committee Room,  
Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 274, A bill to be entitled "An Act to amend Section 14 of the Panola and Llano County Road Law, passed by the Twenty-seventh Legislature of the State of Texas, being 'An Act to create a more efficient road system for Panola and Llano counties, Texas, and making the county commissioners of said counties ex-officio road commissioners, and prescribing their duty as such, and providing for the appointment of road overseers, defining their duties, and for the working of the county convicts upon the roads of said counties; and to provide for the summoning of teams for road work and for allowances of time for road services for same and fixing penalties for violations of this act, and to repeal all laws in conflict with this act as to Panola and Llano counties,' and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, be not printed.

TERRELL, Chairman.

Committee Room,  
Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 405, A bill to be entitled "An Act to amend Section 3, of Chapter 39, of the Special Laws of 1903, being the special road law for Nacogdoches county; prescribing the duties and enlarging the powers of county commissioners with reference to public roads."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, but be not printed.

TERRELL, Chairman.

Committee Room,  
Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 250, A bill to be entitled "An Act to amend Article 6953, Chapter 6, Title 119 of the Revised Civil Statutes of Texas, adopted in the year 1911, relating to road superintendents; providing for an election to determine whether or not a road superintendent shall be employed, providing for the calling of such an election, and for the election of a road superintendent,"

Have had the same under consideration I am instructed to report the same back to the Senate with the recommendation that it do pass.

TERRELL, Chairman.

Committee Room,  
Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act creating a State Trunk Highway Department, which shall be a part of the prison system of Texas as that term is defined by law, and providing that the Board of Prison Commissioners shall be ex-officio State Highway Commissioners; and providing for the con-



struction, maintenance and control by the State, of a system of State trunk highways, at the cost of the State, and to be built with convict labor as near as possible. And providing that the places where such convicts are worked shall at all times be under the control of the Prison Commission. Providing, further, that the salaries of all employes under this act which are not fixed by this act shall be fixed by the Highway Commission, and that the Highway Commission shall not receive any salary as such. That this act shall not repeal any statute or law governing the prison system of this State. Providing for the appointment of a competent engineer, with no more than two assistants, and providing their salaries, and authorizing the employing of necessary time-keepers, guards, mechanics, bookkeepers and all other kinds of employes necessary to the carrying out of the provisions of this act. Authorizing the Highway Commission to buy necessary stock, feed, provisions, tools and road machinery and materials and lands, gravel pits, rock quarries, shell reefs, and other road material; for the construction of camps, road houses and material depots, where necessary. Authorizing the contracting with railroad companies to move machinery, material or labor, and to build spurs or sidings where necessary; authorizing the Highway Commission to build road houses, labor camps and material depots, and to maintain the same. Describing and setting out the various routes over which said State trunk highway system is to extend, and naming the towns through which the same, or some part thereof is to pass. Requiring that any highway built under the provisions of this act shall be of durable and substantial material, and that the road-bed shall be at least twenty feet wide. Providing that said Highway Commission shall not exercise the right of eminent domain; that the highways shall follow the present established courses of travel over the road indicated for such highway, and that when the route of any highway passes over and along any improved county road, that the Highway Commission shall notify the Commissioners Court of such county of such fact, and that the Commissioners' Court shall record such notice in its minutes, and that thereafter said county road shall become a part of said State trunk highway system, and be maintained by the State. Prohibiting the obstruction of any highway; or running any races with animals, automobiles or other vehicles upon any highway, and limiting the rate

of speed of any vehicle upon any such highway and providing penalties for violations thereof. Providing that the Highway Commissioners, engineers and assistant engineers shall give bond; and providing that any appointee hereunder may be removed by the Highway Commission at any time. Defining the duties and powers of the highway engineer. Giving the Highway Commission the power to let any bridge or bridges or any highway to contract, if necessary. Prohibiting the "digging up" or otherwise injuring any highway and providing penalties. Prohibiting a railroad system from running its tracks along any State highway, except to approach any bridge thereon. Providing funds necessary to the carrying out of the provisions of this act. Providing that the State treasurer shall hold such funds under an account of the "State Trunk Highway System Fund;" providing how the same may be paid out and expended. Providing that the Highway Commission shall, on the first day of January of each year, make an inventory of all lands, buildings, machinery and other property; and providing that said Highway Commission shall cause to be kept, in the accounting department of the Prison System, a system of books, showing the separate accounts of the Highway System, all of which shall be reported to the Governor, and which report shall be published. Providing for the auditing of the accounts, vouchers, warrants and all other financial transactions of the State trunk highway system, by the permanent auditor of the Prison System. Providing that the Highway Commission may have the State Purchasing Agent to purchase supplies and other materials for them in bulk, if they deem it necessary. Also providing any county may secure road material at any material depot, for the purpose of constructing roads connected with said Highways, at the actual cost of such material at such depot. And providing that the Governor may pardon any convict who has worked for one year on the State Highway System, and who has violated no law or rule of said system, and who has served two-thirds of the time of the original sentence assessed against him. And providing that the holding of any section of this law to be unconstitutional shall in no wise affect the validity of any other section or part of this law."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TERRELL, Chairman

Committee Room,  
Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act creating a State Highway Department, and establishing a State Highway Commission and the office of State Highway Engineer; prescribing the duties of each, and fixing the compensation of said State Highway Engineer, creating a fund by the license of motor vehicles, fixing a penalty for the failure to pay such license, making an appropriation to carry out the provisions of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, and that the accompanying bill be passed in lieu thereof, and be not printed in the Journal.

TERRELL, Chairman.

Committee Room,  
Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 249, A bill to be entitled "An Act granting to the Guadalupe Water Power Company, now proposing to construct five (5) dams across the Guadalupe River, in Guadalupe county, Texas, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

MURRAY, Chairman.

Senator Murray moved that the above bill be not printed, which motion prevailed.

Committee Room,  
Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 188, A bill to be entitled "An Act to authorize the sterilization of a certain class of criminals, lunatics and epileptics and syphilitics and persons with a hereditary tendency to con-

genital diseases of mind or body, who are now or may hereafter be confined to any eleemosynary or penal institution of the State of Texas, to the end that procreation by such classes may be prevented; and to provide for the appointment of a board or boards, whose duty it shall be to decide in what cases sterilization is advisable for the benefit of the persons and society and to prescribe regulations and means by which said operation of sterilization may be performed, and to provide for the payment of any expense incurred by any of the provisions of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Section 4a. If any person or the friends or guardians of any person examined according to the provisions of this act shall object to the findings of the board, the said person or his or her friends or guardian shall have the right of appeal to the county court of the county in which the institution which said person is legally confined, is located. Said court to have the authority to summon and examine witnesses in chambers and to decide whether or not the finding of the board is in the interest of the State and society, which decision shall be final, and it shall be the duty of the superintendent of the institution in which the person herein granted the right of appeal is legally confined to notify the friends or guardian of said person of the time and place of said hearing by the county court, and if no friends appear in behalf of the person demanding an appeal, it shall be the duty of the superintendent to notify the county judge of the county from which the person was sent, of the name of the person and of the time, place and purpose of the hearing.

KAUFFMAN, Chairman.

Committee Room,  
Austin, Texas, February 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 15, A joint resolution proposing to amend Article 16, Section 58, of the State Constitution, creating the office of Prison Commissioners, and making the term

of office of the members of the Board of Prison Commissioners six years, to be elective,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Vaughan, Chairman; Darwin, Gibson, Terrell, Warren, Westbrook, Johnson, Willacy and Watson.

Committee Room,  
Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 257, A bill to be entitled "An Act to amend Article 551 of the Penal Code of the Revised Criminal Statutes of 1911, so as to make same conform to other laws, making act cumulative, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,  
Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 276, A bill to be entitled "An Act to prevent the giving of bogus checks, to make same an offense against the law, and to prescribe penalties therefor, making same cumulative of existing laws, and providing an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,  
Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 242, A bill to be entitled "An Act to prohibit breweries and all officers and agents of breweries from leasing and then subleasing premises for the purpose of carrying on retail liquor traffic and prescribing a penalty therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same

back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,  
Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 241, A bill to be entitled "An Act to prohibit breweries and other manufacturers of alcoholic fermented, malt, spirituous and vinous liquors, or the officers or agents of such, from loaning or advancing money to individuals or firms for the purpose of purchasing liquor licenses for such individuals or firms to carry on retail liquor business, and to prohibit such breweries or manufacturers, or their officers and agents from taking mortgages on such licenses, or any parts thereof, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,  
Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 236, A bill to be entitled "An Act to provide for the punishment of the parents of children who abandon them or neglect or refuse to provide proper home, care, food and clothing for them, and to provide for the application of the wages, income or earnings of such persons abandoning such child or children, and giving the court authority to order and direct the payment of the same for the support of such child or children, and providing for the expenses of the apprehension and production of the accused, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,  
Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 193, A bill to be entitled "An Act to limit the amount that may be spent by candidates for nomination to any public office; to provide that no candidate shall expend more than 25 per cent of the first year's salary of the office for which he is a candidate, in his campaign for the nomination to such office; to define what shall be a payment, expenditure or contribution by a candidate; to define what shall be deemed money or thing of value under this act, and to require officers with whom the expense accounts of candidates are required by law to be filed to report to the proper official the failure of any candidate to file such report as required by law; to fix the penalty for the violation of any of the provisions of this act and to determine what court shall have jurisdiction of offenses under this act, and declaring an emergency,"

With the following amendment: Amend the bill by striking out 25 per cent, and insert in lieu thereof 50 per cent.

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,

Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 27, A bill to be entitled "An Act to prohibit the use of any imitation, label, trademark, design, device, imprint, or form of the flag of the State of Texas, for advertising, or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,

Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 171, A bill to be entitled

"An Act making it unlawful for any person to throw or deposit any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance in a public road likely to injure any person, animal, automobile or vehicle,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,

Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: A majority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 177, A bill to be entitled "An Act to amend Article 1430, Chapter 18, Title 17, of the Revised Criminal Statutes of Texas, 1911, being an act entitled Fraudulent Disposition of Mortgaged Property, and providing for penalty for the removal of same or for selling or disposing of same, and providing that sale, removal or disposition shall constitute prima facie evidence of intent to defraud,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,

Austin, Texas, February 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: A minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 177, A bill to be entitled "An Act to amend Article 1430, Chapter 18, Title 17, of the Revised Criminal Statutes of Texas, 1911, being 'An Act entitled Fraudulent Disposition of Mortgaged Property, and providing for penalty for the removal of same or for selling or disposing of same, and providing that sale, removal or disposition shall constitute prima facie evidence of intent to defraud,'"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do not pass.

CONNER.

Committee Room,

Austin, Texas, Feb. 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 13, A bill to be entitled "An Act to amend Title 48, Chapter 19, Article 2900 of the Revised Civil Statutes of Texas of 1911, relating to scholastic age; and to amend Title 48, Chapter 13, Article 2774, and Article 2775, of the Revised Civil Statutes of Texas of 1911, relating to the manner of taking scholastic census, and the duty of the census trustee, and declaring an emergency,"

And find the same correctly engrossed.  
BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, Feb. 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 88, A bill to be entitled "An Act to amend Article 7435 of the Revised Civil Statutes of 1911,"

And find same correctly engrossed.  
BRELSFORD, Chairman.

#### PETITIONS AND MEMORIALS.

By Lieutenant Governor Will H. Mayes:

The following telegram:

Hon. Will H. Mayes, Speaker of the Senate, Austin, Texas.

The Texas Federation of Women's Clubs accepts through its legislative committee the substitute bill, No. 35, and Married Women's Property rights bill, which received the majority Senate vote, and respectfully ask that said bill be unanimously passed.

MRS. ELI HERTZBERG.

By Senators Paulus and Johnson:

Petitions numerously signed protesting against enactemnt of legislation assessing high license against rural wagon sellers of medicines, stock foods, etc.

By Senator Lattimore:

Petition numerously signed by members of Tarrant County Medical Society protesting against passage of a measure known as the Optometry Bill.

By Senator Lattimore:

Letter dated at Galveston, Texas, signed by E. R. Cheeseborough, secretary and treasurer the Leon and H. Blum Land Co., setting forth certain conditions existing in Galveston in reference to the violation of liquor laws and endorsing Senate bill No. 221.

#### TWENTY-FIRST DAY.

Senate Chamber,

Austin, Texas,

Monday, February 10, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Morrow.
Bailey.	Murray.
Collins.	Nugent.
Conner.	Paulus.
Cowell.	Real.
Darwin.	Taylor.
Gibson.	Terrell.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Weinert.
McGregor.	Westbrook.
McNealus.	Wiley.

Absent.

Brelsford. Willacy.

Absent—Excused.

Carter.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Saturday, on motion of Senator Weinert, the same was dispensed with.

#### EXCUSED.

On account of important business:

Senator McNealus, for last Saturday, on motion of Senator Westbrook.

Senator Carter, indefinitely, on motion of Senator Lattimore.

#### INVITATION TO DEMONSTRATION AT UNIVERSITY.

The School of Domestic Economy of the University of Texas extends a cordial invitation to the Senators of the Thirty-third Senate and their families to attend an open session and reception of the school on the evening of February 10 at 8:00 p. m. The Governor and Lieutenant Governor of the State of Texas, President Mezes of the University, Mrs. Percy V. Pennybacker, President of the General Federation of Women's Clubs, and others will speak on questions of vital interest related to the home.